



Crl.OP.No.23146 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.23146 of 2025

and

Crl.M.P.Nos.15810, 16962 & 16964 of 2025

Lawrence

... Petitioner

Vs.

Union Territory of Puducherry
Rep. by
The Sub-Inspector of Police,
Villianur Police Station,
Puducherry.
Crime No.19 of 2015

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned FIR registered in Cr.No.19 of 2015 dated 22.01.2015 on the file of the respondent police and to quash the same.

For Petitioner : Mr.Prakash Adiapadam

For Respondent : Mr.M.V.Ramachandramurthy, APP (Pondy)
Asst. by Mr.M.Thamizhmani



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ORDER

The FIR registered in Cr.No.19 of 2015 dated 22.01.2015 on the file of the respondent police, is put under challenge by the petitioner in the present Criminal Original Petition.

2. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor (Puducherry) appearing on behalf of the respondent.

3. It is the case of the prosecution that the petitioner had created a counter-fiet seal of Villianur Police Station and prepared a forged missing certificate with the signature of the Station House Officer (SHO) of Villianur Police Station by receiving a bribe amount of Rs.700/- from one Aroumougam, which was produced before the RTO, Puducherry for getting duplicate driving license bearing registration No.PY-01-20040012081. When the alleged forgery was found, a complaint has been lodged by the SHO, Villianur PS against the petitioner and the same was registered against



him along with others in Cr.No.19 of 2015 for the alleged offences under

Sections 468, 471, 473 of IPC r/w. Section 34 of IPC.

4. Aggrieved over the said FIR, the petitioner has filed the present Petition.

5. The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and he has no nexus with the said offences as alleged by the prosecution. He further submitted that the petitioner has not received any bribe and has not committed any offence. He also contended that for the same set of facts and allegations, disciplinary proceedings has been initiated against the petitioner by the department and he was issued with the charge memo on 16.10.2015. Hence, he prayed this Court to allow the Petition by quashing the FIR.

6. The learned Additional Public Prosecutor (Pondy) submitted that the petitioner had created counter-fiet seal of Villianur Police Station and also produced the missing certificate with the signature of the SHO, Villianur PS on receipt of a sum of Rs.700/- as bribe from one



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Aroumougam, who in turn submitted it to the RTO, Puducherry so as to obtain a duplicate driving licence bearing registration No.PY-01-20040012081. On production of the said missing certificate, the forgery done by the petitioner was found and a case was registered against him. He further submitted that the prosecution has examined more 15 witnesses to unearth the alleged forgery and also that the disputed seal and signature were sent to Forensic Department for proving the veracity of the seal and signature but no report has been received. Thus, he vehemently opposed to grant the relief sought for by the petitioner in the present Petition.

7. I have considered the rival submissions made on either side and also perused the materials available on record.

8. On a perusal of the case, it is seen that the allegations against the petitioner has not been proved by the prosecution and no expert opinion is available on record to substantiate the offence of forgery. It is pertinent to note that for the same set of facts and allegations, departmental proceedings has been initiated against the petitioner. In the departmental proceedings, witnesses were examined and on the basis of the witnesses' statement, it is



clearly established that no forgery was found against this petitioner and further, the alleged bribe amount of Rs.700/- received by the petitioner was also not established. All these findings have been recorded after examination of witnesses in the enquiry. It is paramount for the prosecution to substantiate the alleged forgery of signature and seal, however, no expert opinion is available on record. Though the prosecution has produced many witnesses already, they are disbelieved by the department. The prosecution is now relying to prove their stand only based on the confession statement of the accused 7 and 8 which will not serve any purpose, particularly, the confession of the co-accused cannot be considered against the other accused to constitute any offence. In such view of the matter, continuing the prosecution itself is nothing but an abuse process of law.

9. It is to be noted that while exercising the power under Section 482 Cr.P.C (corresponding to Section 528 BNSS), the Court should be slow. At the same time, if the Court finds that the entire materials collected by the prosecution, taken as a whole, would not constitute any offence, in such a situation, directing the parties to undergo the ordeal of trial would be a futile exercise and would infringe the right of the persons concerned.



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10. At this juncture, this Court refers to the decision of the Hon'ble Apex Court in **State of Haryana and others Vs. Bhajan Lal and Others** reported in **1992 Supp (1) Supreme Court Cases 335**, wherein it has been held as follows :-

'.....

(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any



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offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or



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where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.'

11. In view of the foregoing reasons and in the light of the decision of the Hon'ble Apex Court as stated supra, the Criminal Original Petition stands allowed and consequently, the FIR in Cr.No.19 of 2015 as against the petitioner herein, is hereby quashed. Consequently, the connected Miscellaneous Petitions are closed, if any.

11.09.2025

Index:Yes/No

NCC :Yes/No

Order : Speaking/Non Speaking

DP



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To

- 1.The Sub-Inspector of Police,
Villianur Police Station,
Puducherry.
- 2.The Public Prosecutor,
Puducherry.



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N. SATHISH KUMAR, J.

DP

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